

REMARKS

This Amendment is submitted in response to the Examiner's Action mailed March 25, 2004, with a shortened statutory period of three months set to expire June 25, 2004. Claims 1-28 are currently pending. With this amendment, claims 1, 7-8, 11-12, 14-15, 18-19, 22-23, and 26-27 have been amended.

The Examiner objected to the drawings stating that the element "performing the services of the hypervisor without modifying the non-assignable resources" in claim 1 is not shown in the drawings. This language is not found in the original claim 1. Further, claim 1 has been amended. Because the language objected to by the Examiner is not found in the claims, either originally or as amended, this objection should be withdrawn.

The Examiner objected to Figure 6 because reference 604 contains a grammatical error. Applicant has submitted a replacement Figure to correct the language in reference 604. The language in the drawing follows the language in the specification. Therefore, this rejection is believed to be overcome.

The Cross-Reference to Related Applications has been amended to include updated information.

The Examiner rejected claims 1-28 under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Examiner states that the term "modified" or "modifying" is unclear because it does not describe whether modifying constitutes deleting or changing. Applicant argues that the term is widely understood to mean "to change". See Webster's Ninth New Collegiate Dictionary, published by Merriam-Webster Inc. in 1991. The claims have been amended to remove any indefiniteness. Therefore, this rejection is believed to be overcome.

The Examiner rejected claims 1, 5-8, 10-15, 17-23, and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2002/0016892 published by *Zalewski*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Claim 1 describes at least one non-assignable resource. The Examiner states the *Zalewski* teaches non-assignable resources. However, the portion of the reference at page 4, paragraph 0041 that the Examiner points to actually teaches unassigned resources, and

not non-assignable resources. Unassigned resources could at some point become assigned resources. Applicant's claim describes non-assignable resources. A non-assignable resource is not assignable, i.e. not capable of being assigned. Non-assignable resources are not the same as unassigned but assignable resources. Therefore, *Zalewski* does not teach non-assignable resources.

Applicant's claim now describes one of the set of services of the hypervisor performing modifications to the non-assignable resource in response to an operating system request to directly access the non-assignable resource. *Zalewski* does not teach this feature. With reference to claim 8, the Examiner states that *Zalewski* teaches, at page 14, paragraph 0220, refraining from performing the operation when the request would result in direct access by the operating system. This section of the reference, however, teaches locking the APMP database to determine if there is a functioning database so as to prevent interferences. This section teaches an operating system instance creating a new APMP system if there is no APMP system or if there is a non-functioning APMP system. Otherwise, the instance joins the system. This section of *Zalewski* does not teach a hypervisor performing modifications. This section teaches an operating system instance creating a system.

This section of the reference also does not teach a hypervisor performing modifications to a non-assignable resource. As described above, *Zalewski* does not teach non-assignable resources.

Claim 7 describes a hypervisor receiving a request from an operating system and the hypervisor providing a set of services to the logical partitions that perform modifications to an unassigned resource without allowing the operating system to directly access the resource. In response to determining that a request from an operating system to perform an operation would not result in direct access by the operating system to the unassigned resource, the operation is performed. *Zalewski* does not describe, teach, or suggest a hypervisor that provides a set of services that perform modifications to an unassigned resource without allowing the operating system to directly access the resource. Further, *Zalewski* does not describe, teach, or suggest in response to determining that a request from an operating system to perform an operation would not result in direct access by the operating system to the unassigned resource, the operation is

performed in combination with a hypervisor that provides a set of services that perform modifications to an unassigned resource without allowing the operating system to directly access the resource.

Claim 11 describes receiving a request from an operating system to directly access a system resource to modify the system resource to enable the resource to perform a particular task. A determination is made as to whether direct access by the operating system to the resource is permitted. If a determination is made that the resource is one for which direct access is denied to the operating system, a service is requested from the hypervisor to perform the particular task. The particular task is performed without permitting the operating system to directly access the system resource.

Zalewski does not describe, teach, or suggest receiving a request from an operating system to enable a resource to perform a particular task in combination with determining whether direct access by that operating system to the resource is permitted. *Zalewski* also does not describe, teach, or suggest a service being requested from the hypervisor to perform the particular task where the particular task is performed without permitting the operating system to directly access the system resource.

The Examiner rejected claims 2-4, 9, 16, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Zalewski* in view of U.S. Published Patent Application 2002/0016891 published by *Noel*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

The Examiner states that *Zalewski* does not teach translations using a page frame table and uses *Noel* to supply this missing feature.

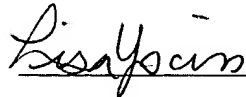
The combination of *Zalewski* and *Noel* does not describe, teach, or suggest the features described above in combination with translations using a page frame table.

Applicant believes the application is now in condition for allowance. Applicant has rewritten the claims so that the claims objected to but otherwise allowable are now in independent form.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 06.24.04

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa Yociss", is written over a horizontal line.

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